

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

Civil Action No. 3:12-cv818

NEFERTITI JAMES, )  
                        )  
                        )  
Plaintiff,         )  
                        )  
                        )  
v.                     )  
                        )  
                        )  
BANK OF AMERICA CORPORATION, )  
                        )  
                        )  
Defendant.         )  
                        )

---

**CONSENT MOTION  
TO SUBSTITUTE PROPER DEFENDANT**

Pursuant to Rule 21 of the Federal Rules of Civil Procedure (“Fed. R. Civ. P.”), defendant Bank of America Corporation, by counsel, with the consent of plaintiff, respectfully requests the Court to enter an Order substituting Bank of America, N.A., as the proper party defendant in this action. As demonstrated in the Memorandum in Support of Defendant’s Consent Motion to Substitute Proper Defendant, which is being filed contemporaneously with this Motion and is incorporated herein by reference pursuant to Fed. R. Civ. P. 10(c), Bank of America, N.A., not Bank of America Corporation, was plaintiff’s employer and is, therefore, the proper defendant in this action.

Based on the foregoing, defendant Bank of America Corporation, with plaintiff’s consent, requests the Court to enter an Order granting its Consent Motion to Substitute Proper Defendant, and grant such further relief as the Court deems just and proper.

This the 8<sup>th</sup> day of January 2013.

Respectfully submitted,

/s/ Meredith A. Pinson

Bruce M. Steen (N.C. Bar No. 30222)  
bsteen@mcguirewoods.com  
Susan P. Dion (N.C. Bar No. 28032)  
sdion@mcguirewoods.com  
Meredith A. Pinson (N.C. Bar No. 39990)  
mpinson@mcguirewoods.com  
MC GUIREWOODS LLP  
201 North Tryon Street, Suite 3000  
Charlotte, North Carolina 28202  
704.373.8951  
704.353.6162 (Facsimile)

**ATTORNEYS FOR DEFENDANT**

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

Civil Action No. 3:12-cv-818

NEFERTITI JAMES, )  
                        )  
                        )  
Plaintiff,           )  
                        )  
                        )  
v.                     )  
                        )  
                        )  
                        )  
BANK OF AMERICA CORPORATION, )  
                        )  
                        )  
Defendant.           )  
                        )

---

**CERTIFICATE OF SERVICE**

I hereby certify that on January 8, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following attorneys for Plaintiff:

Margaret Behringer Maloney (N.C. Bar No. 13253)  
Tamara L. Huckert (N.C. Bar No. 35348)  
1824 E. 7<sup>th</sup> Street  
Charlotte, North Carolina 28204  
[mmaloney@maloneylegal.com](mailto:mmaloney@maloneylegal.com)  
[thuckert@maloneylegal.com](mailto:thuckert@maloneylegal.com)  
704.632.1622  
704.632.1623 (Facsimile)

/s/ Meredith A. Pinson  
Attorney